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Cop26 and beyond: participation and gender – more of the same?

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ABSTRACT

This article considers gender equality in the context of the most recent United Nations Framework Convention on Climate Change (UNFCCC) Conference of Parties (CoP), CoP26. Gender equality issues are now widely recognised within global climate change governance, playing an ongoing role within it. The CoP does not function in isolation and its regime setting is significant, in particular, in the work of UNFCCC constituted bodies and the Intergovernmental Panel on Climate Change (IPCC). Other parts of the United Nations, such as the Commission on the Status of Women (CSW66) can also offer important contributions to gender; and civil society too plays a vital role in this aspect of climate governance. These elements and the interplay between them have shaped gender issues at CoP26, as has the global pandemic. While gender equality is a live issue in global climate governance, leveraging substantial, substantive, action by states to address it remains problematic.

KEYWORDS Gender; civil society; CSW; IPCC; UNFCCC

Introduction

The climate change-gender nexus is, as this descriptor suggests, concerned with intersecting, cross-cutting issues that exist at the intersection of two components that are themselves complex and converge across multiple topics, compounding the challenges involved. The gendered experience of climate change is hugely complex in its own right, and it is not possible to fully do it justice here. For present purposes, it suffices to say that it combines intersectional exposure to the real-world impacts of climate change, which generates compound impacts through converging disadvantages (for example, women are a majority of the world's poorest people, who in turn

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suffer most from its ill effects)¹ with legal and political systems, including those at an international level, that see women under-represented in both general participation and leadership.² The compound injustice involved in enduring the worst impacts of climate change but lacking a role in key decisions to address it is clear. In response, a lively gender strand in the climate justice movement draws productively, if not always comfortably, on long-established scholarship and activism around gender inequality in contexts where it has previously been acknowledged notably, development, environmental, and sustainability law, policy and, practice.³ While very much a work in progress, the drive for gender climate justice is rapidly developing its own particular discourse and is undoubtedly more than the sum of its many parts.

Against the broad background outlined above, this article will focus on the progress (or otherwise) of the UNFCCC's ambitions on improving its systemic engagement with gender inequality in global climate governance in and around the twenty-sixth Conference of Parties (CoP26).⁴ In so doing, while it will interrogate aspects of women's participation at the CoP as an event in its own right, it will also situate this as a component in the broader ongoing global climate governance regime. The latter broadly comprises the CoP (made up of representatives of signatory states), the UNFCCC secretariat, the regime's constituted bodies, and other supporting organisations, notably the Intergovernmental Panel on Climate Change. In addition to examining aspects of official UNFCCC processes, this article also considers civil society activity relating to them. Given the considerable scope of the processes involved, it will necessarily look at select, nonetheless revealing, examples of these elements from before and during the CoP (including the headline outcome, Decision 1.CP/26, the Glasgow Climate Pact)⁵ and at subsequent developments that reveal the climate governance regime's direction of travel on gender matters. Where relevant, the article will consider the particular and peculiar demands placed on the CoP26 process by the Covid pandemic, and what they and responses to them may reveal.

¹ Karen Morrow, 'Ecofeminism and the environment: international law and climate change' in M Davies and V E Munro (eds), *The Ashgate Research Companion to Feminist Legal Theory* (Routledge, 2013) 377–94.

² Karen Morrow 'Towards an Ecofeminist Critique of International Law?' in Vincent Chapeau, Usha Natarajan-Khoday and Frédéric Mégret (eds) *Anthropocentrism and International Law* (Edward Elgar, forthcoming).

³ Morrow (n 1).

⁴ With thanks to the editorial team and the two anonymous reviewers for their helpful and constructive feedback on this piece.

⁵ FCCC, *Report of the Conference of the Parties on its twenty-sixth session, held in Glasgow from 31 October to 13 November 2021*, FCCC/CP/2021/12/Add.1, Addendum Part one: Action taken by the Conference of the Parties at its twenty-sixth session, FCCC/CP/2021/12/Add.1, 8 March 2022, Decision 1.CP/26 (Decision 1/CMA.3) 2–10.

The discussion will also extend to considering developments alongside and around the CoP26 process concerning the Intergovernmental Panel on Climate Change (IPCC) and coverage of the gender climate change nexus as a central theme at the 2022 Commission in the Status of Women 66 (CSW66). The article will conclude by examining the likely impact of recent developments in extending the efficacy of the global climate governance regime's engagement with gender, and the barriers that remain to be addressed as matters of utmost urgency.

Gender and the global climate governance regime

As alluded to above, gender-based approaches to both climate change and climate justice are rooted in both feminist and environmental scholarly and activist milieux.⁶ Legal analysis of the intersections between gender and environmental issues was however somewhat slow to emerge, with ground-breaking work in the mid-1990s focusing on gender and environmental justice, providing an early catalyst.⁷ Since the late noughties, however, gender scholarship has targeted the systemic inequalities underpinning climate governance more specifically,⁸ often through a human rights lens.⁹ These developments also share common ground with the feminist analysis of gender and its systemic impacts on international law that began to emerge around the same time.¹⁰ These strands of scholarship in particular, alongside intensified gender activism and developments in the UNFCCC system (discussed below), have grounded a steadily growing strain of academic inquiry around the interplay between the gender-climate change nexus and global climate law and governance.¹¹

While this article will focus on gender and participation issues in and around CoP26, these issues must be viewed in the context of the broader global climate

⁶ See, for example, Greta Gaard 'Ecofeminism and Climate Change' (2015) *Women's Studies International Forum* 49, 20.

⁷ Notably Elaine L Hughes, 'Fishwives and Other Tails: Ecofeminism and Environmental Law' (1995) 8 *Canadian Journal of Women & Law* 502; Robert R M Verchick, 'In a Greener Voice: Feminist Theory and Environmental Justice' (1996) 19 *Harvard Women's Law Journal* 23.

⁸ See, for example, Sherilyn MacGregor, 'Gender and Climate Change: from Impacts to Discourses' (2010) *Journal of the Indian Ocean Region*, 6(2) 2.

⁹ Lena Bendlin, 'Women's Human Rights in a Changing Climate: Highlighting the Distributive Effects of Climate Policy' (2014) 27(4) *Cambridge Review of International Affairs* 680.

¹⁰ See, for example, Hilary Charlesworth, 'The Hidden Gender of International Law' (2002) 16 *The Temple International & Comparative Law Journal* 93.

¹¹ See, for example: Ana Agostino, and Rosa Lizarde, 'Gender and Climate Justice' (2012) *Development* 55, 90; Patricia Kameri-Mbote 'Climate Change and Gender Justice: International Policy and Legal Responses' in Oliver C Ruppel, Christian Roschmann and Katharina Ruppel-Schlichting (eds) *Climate Change: International Law and Global Governance* (Nomos 2013) 323–34; Morrow (n1); Johannes Kruse, 'Women's representation in the UN climate change negotiations: a quantitative analysis of state delegations, 1995–2011' (2014) *International Environmental Agreements* 14, 349; and Rowena Maguire and Bridget Lewis 'Women, human rights and the global climate regime (2018) 9(1) *Journal of Human Rights and the Environment* 51.

governance context, of which they form the most visible part. In this, the orientation of engagement with gender and institutional practice in the CoP process, both reflects and directs its wider culture and praxis. With this in mind, it is important to observe that the UNFCCC's systemic response to gender matters has historically been both relatively narrow and comparatively slow. In the global climate change regime, gender has long been broadly equated with 'women's issues' and much-needed engagement with broader notions of gender is thus far lacking.¹² More encouragingly, recognition of the importance of intersectionality in the context of climate change is finally finding a foothold in some areas of international climate governance,¹³ which is likely to facilitate its further development on a global scale.

The process of mainstreaming gender in the UNFCCC regime began with Decision 36/CP.7. in 2001,¹⁴ in which CoP formally recognised that there were issues with the representation and participation of women. This aside, engagement in the regime's first two decades was extremely limited. Women as a major group only gained permanent official observer status, which provides for formal participation rights and enhances the position and credibility of those groups to which it is accorded, in the UNFCCC regime in 2011. Significantly, this was well after most other regime stakeholder groups.¹⁵ Recognition of the gender constituency did however signal an effort to integrate gender into the workings of the international climate change regime more generally.¹⁶

In the last decade or so, the UNFCCC's systemic engagement with gender, while still imperfect, has improved in important ways,¹⁷ not least under the auspices of the Lima Work Programme (LWP) on Gender 2014¹⁸ and the Gender Action Plan (GAP) (initiated in 2017¹⁹ and subsequently extended²⁰). However, it remains the case that gender is often viewed in effect as an add-on, or worse, an optional extra, in the regime. This is apparent with regard to slow and, for the most, inadequate, progress in two now

¹² Anna Kaijser and Annica Kronsell 'Climate change through the lens of intersectionality' (2014) 23(3) *Environmental Politics* 417; Karen Morrow, 'Gender in the global climate governance regime: A day late and a dollar short?' in Gunnhildur Lily Magnúsdóttir, Annica Kronsell (eds) *Gender, Intersectionality and Climate Institutions in Industrialised States* (Routledge, 2021) 17–35.

¹³ Gill Allwood, 'EU external climate policy' in Gunnhildur Lily Magnúsdóttir, Annica Kronsell (eds) *Gender, Intersectionality and Climate Institutions in Industrialised States* (Routledge, 2021) 36–51.

¹⁴ FCCC/CP/2001/13/Add.4 Improving the participation of women in the representation of Parties in bodies established under the United Nations Framework Convention on Climate Change and the Kyoto Protocol, p26.

¹⁵ Environmental, Business and Industry NGOs, Local Government and Municipal Authorities, Indigenous Peoples, and Research and Independent Organisations and Trade Unions constituencies were all recognised earlier, see also Morrow (n 1).

¹⁶ Morrow, (n 12) 20.

¹⁷ *Ibid.*

¹⁸ FCCC Decision 18/CP.20 'The Lima Work Programme on Gender' 35–36.

¹⁹ FCCC Decision 3/CP.23 'Establishment of a Gender Action Plan'.

²⁰ FCCC Decision 3/CP.25 'Enhanced Lima Work Programme on Gender and its Gender Action Plan'.

closely monitored areas: the gender composition of state delegations;²¹ and the membership and practice of several of the UNFCCC's constituted bodies (considered further below).²² The UNFCCC recognises that its engagement with gender equality still leaves much to be desired.²³ However, after more than a decade of concentrated effort, the ability to leverage swift and thoroughgoing change using the approaches that have been employed to date must now be regarded as highly questionable.²⁴ It remains the case that, commitments to change notwithstanding, political negotiation and decision-making in global climate governance continue to be pervasively male dominated.

Covid – an additional, complicating factor for CoP26

As a final contextual consideration, CoP26 cannot be discussed without considering the ongoing Covid19 pandemic.²⁵ That this has had seismic effects on society at large is not in question. Akin to climate change, the pandemic is recognised as having been global in reach, but unequal in impact,²⁶ and as exacerbating existing societal inequalities,²⁷ not least those pertaining to gender.²⁸ The pandemic also necessarily exerted direct and indirect impacts on the UNFCCC regime, creating both problems and opportunities for regime processes, for example, requiring significant changes in how preparatory work and meetings were conducted²⁹ (discussed below).

Arguably the most significant impact of Covid was the year's delay it imposed on the CoP taking place.³⁰ The United Kingdom government, which was chairing the CoP, insisted on having the meetings in person.³¹ In regard to in person attendance, vaccine requirements, travel, and visa restrictions, and scarce and expensive accommodation did present barriers

²¹ FCCC/CP/2021/4 'Gender Composition' (hereafter 'GCR 2021').

²² FCCC/CP/2021/5 'Progress in integrating a gender perspective into constituted body processes', in particular [97]–[100]; see also Morrow (n 12) at 20–22.

²³ FCCC Decision 3/CP.25 (n 20) [2].

²⁴ See Morrow (n 12).

²⁵ The pandemic has wider ramifications for international environmental law, see, for example, Katie Wollaston *Ecological Vulnerability: The Law and Governance of Human-Wildlife Relationships* (Cambridge University Press, 2022), chapter 7.

²⁶ United Nations Development Programme, *COVID-19 and Human Development: Assessing the Crisis, Envisioning the Recovery* (UNDP, 2020) online: <www.hdr.undp.org/sites/default/files/covid-19_and_human_development_0.pdf> (accessed 17 March 2022); see also Wollaston (n 25).

²⁷ UNDP, *ibid* 7–8.

²⁸ *Ibid* 18–19.

²⁹ Catherine Hunter, 'Cop26 to happen in person or not at all' says UK Government' *Glasgow Times*, 27 May 2021 online: <www.glasgowtimes.co.uk/news/19330210.cop26-happen-person-not-says-uk-government/> (accessed 17 March 2022).

³⁰ UK Government, 'CoP26 Postponement' online: <www.gov.uk/government/news/cop26-postponement> (accessed 17 March 2022).

³¹ In contrast, other large-scale UN Events such as the 2020 General Assembly, were conducted predominantly online, see United Nations, 'Virtual UNGA' online: <<https://una.org.uk/how-does-unga-work>> (accessed 17 March 2022).

for some participants and contributed to what Rachael Osgood of the CoP26 Coalition, termed: ‘... the most elite and exclusionary CoP ever held.’³² Whether this warning was borne out will depend on detailed data and analysis.

For gender, the subsequent UNFCCC gender composition report reveals more about the specifics of representation at the Blue Zone accredited delegate-only events that comprise the formal parts of the CoP26 negotiations. This generated some positive headlines in the increased representation of women in nine of the constituted bodies (with a decrease in three, and no change in four); overall, the number of women in constituted body positions increased by 5%, to 39% in 2022, compared to 2021.³³ Broader impacts on attendance in the supporting events around the conference will be more difficult to analyse, but the CoP Green Zone (populated by pavilions and presentations sponsored by a variety of organisations) in adopting a hybrid form, at least offered broad accessibility. The Blue Zone also featured a significant virtual civil society programme, facilitating media and public engagement across much of the globe, and in principle here too the hybrid format widened access.³⁴ The gaps in in person participation at CoP26 are however highly significant, as, the Covid protocols mentioned above-curtailed access to the CoP and its side and parallel events,³⁵ as did the constraints it placed on venue capacity. In addition to the issues that Covid raised around CoP attendance, the pandemic also raises important long-term issues for the climate-gender nexus as it compounds, amplifies, and adds further complexity to existing inequalities.³⁶ Thus, in the run-up to the event, and at the CoP, numerous issues arose relating to equality (both generally and to gender equality in particular) and participation, and the CoP26 process offers much to reflect on, key examples of which are considered below.

³² The CoP26 Coalition was a prominent civil society group representing those most vulnerable to climate change. Osgood is quoted in Mathew Taylor, ‘Cop26 will be whitest and most privileged ever, warn campaigners’, *The Guardian*, (30 October 2021), online: <www.theguardian.com/environment/2021/oct/30/cop26-will-be-whitest-and-most-privileged-ever-warn-campaigners>.

³³ FCCC, *FCCC/CP/2022/3 Gender composition and progress on implementation* online: <<https://unfccc.int/documents/611303>> (accessed 20 September 2022) [12] and [14].

³⁴ UKCoP26, ‘Green Zone Programme of Events’ online: <<https://ukcop26.org/the-conference/green-zone-programme-of-events/>> (accessed 17 March 2022). This is not to say that there are not issues with access to technology that affect participation but from the author’s personal observation events did draw participants from across the globe.

³⁵ FCCC, *FCCC COP26 COVID-19 Code of Conduct*, online: <https://unfccc.int/sites/default/files/resource/COP26_Covid_19_Code_of_Conduct.pdf> (accessed 17 March 2022).

³⁶ See, for example, Gillian Triggs, UNHCR Assistant High Commissioner for Protection, ‘Covid-19 and climate crisis worsen inequalities for displaced women and girls’ (8 March 2022) online: <www.unhcr.org/news/press/2022/3/622755294/covid-19-climate-crisis-worsen-inequalities-displaced-women-girls.html> (accessed 29 March 2022).

Gender in the run-up to CoP 26

Preparatory meetings: the Covid factor, women's participation and gender

The main CoP event, while it attracts the attention of the world, is in many ways only the tip of the iceberg in the climate change governance regime. While it hosts the crucial high-level negotiating process between state party representatives, and often (CoP26 being no exception³⁷) involves dramatic last minute or even extended sessions before conference outcomes are finally agreed, most of the regime's substantive work takes place elsewhere. The preparatory meetings and less contentious CoP events are better suited to detailed engagement with particular areas and issues than the main high level segment of the negotiations.

In the context of gender, the UNFCCC holds regular gender workshops at the CoPs, focusing on specific areas of concern.³⁸ In 2020, in common with other activities, the planned series of regional workshops on integrating gender into national climate actions was shifted online,³⁹ though there was an in person follow-up event at the CoP itself.⁴⁰ While unprecedented in reach and scale,⁴¹ the use of a variety of forms of e-diplomacy in international processes (including those of the UNFCCC) promoted by the pandemic is part of ongoing development that has taken hold in the last decade or so.⁴² While holding international events online opens up opportunities for participation, as, access to technology allowing, it is less costly both financially and in the time commitment required for participants, there are adverse impacts too, as the very valuable soft networking that surrounds face-to-face meetings is difficult to replicate in a virtual event.⁴³ Interestingly, the virtual workshops in question were not followed up by the usual discrete

³⁷ See for example, Euronews, 'COP26, scheduled to end Friday, will now continue on Saturday as key issue remain unresolved' (12 November 2021) online: <www.euronews.com/2021/11/12/cop26-scheduled-to-end-friday-will-now-continue-on-saturday-as-key-issue-remain-unresolved> (accessed 22 March 2022).

³⁸ These began with the 2013 UNFCCC Workshop on Gender, Climate Change and the UNFCCC online: <https://unfccc.int/files/gender_and_climate_change/application/pdf/131109__annotated_agenda_ws.pdf> (accessed 24 March 2022).

³⁹ FCCC Virtual workshops – Gender integration into national climate actions online: <<https://unfccc.int/topics/gender/events-meetings/workshops-dialogues/virtual-workshops-gender-integration-into-national-climate-actions>> (accessed 24 March 2022).

⁴⁰ Held on 01/11/22 and 02/11/22, see UNFCCC (undated) Overview Schedule (revised) online: <https://unfccc.int/sites/default/files/resource/Overview_schedule_COP26.pdf> (accessed 28 March 2022).

⁴¹ Abdelhafidh Abdeleli, 'Digital diplomacy in the era of Covid-19' (18 February 2021) <www.swissinfo.ch/eng/business/digital-diplomacy-in-the-era-of-covid-19/46374914> (accessed 14 September 2022)

⁴² See Corneliu Bjola and Ruben Zaiotti (eds), *Digital Diplomacy and International Organisations: Autonomy, Legitimacy and Contestation* (Routledge, 2021).

⁴³ While this is the case with any shift from in person to online activities and much discussed in academic literature on pedagogy, insofar as international conferences are concerned, while there is prolific business-based advertorial style coverage of these issues, for example, ProGlobal Events, *The Pros & Cons of Moving Your Event Entirely Online*, online: <www.proglobalevents.com/blog/virtual-events-pros-cons/> (accessed 24 March 2022) this is an area that requires further research, not least as to its implications for equality.

report posted on the UNFCCC website documenting their content but rather, and only following the CoP's subsequent request,⁴⁴ in an informal summary.⁴⁵ The practice adopted here does not however seem to be due to the virtual format, as similar events elsewhere in the UN system were simultaneously documented.⁴⁶

The workhorses of the UNFCCC are its constituted bodies. These are the various bodies that have been created under the regime to advise and provide technical input on the operation of the UNFCCC and the agreements made under it.⁴⁷ Insofar as gender equality is concerned, the work of the constituted bodies falls under the broad remit of the UNFCCC's Subsidiary Body for Implementation (SBI),⁴⁸ which is charged with monitoring and facilitating regime implementation. The Covid-prompted shift to a virtual format affected the preparatory processes for the CoP including the work of the constituted bodies.⁴⁹ Identifying how this affected participation is facilitated by the fact that, since 2013 the UNFCCC has recorded the gender composition (using a female/male binary) of constituted bodies and state delegations⁵⁰ on an annual basis.⁵¹ While acknowledging that there are limits to what quantitative data can reveal, it is clear that presence is necessary, if not sufficient, to promote women's participation.⁵² The 2021 gender composition report, reflects on the CoP25 session of the UNFCCC and preparatory events for CoP26.⁵³ Where UNFCCC-constituted bodies are concerned, at a granular level, progress on gender composition has been very variable.⁵⁴ In the present context, the headline consideration is that the overall percentage change in women members of the constituted bodies since 2020 was negligible, with three having a female membership

⁴⁴ FCCC, FCCC/CP/2021/12/Add.2 Report of the Conference of the Parties on its twenty-sixth session, held in Glasgow from 31 October to 13 November 2021, Decision 20/CP.26, [11].

⁴⁵ FCCC, *Informal report on the in-session workshop on the role of NGCCFPs GCC/2022/1 and Informal report on the in-session workshop on the role of NGCCFPs and annex GCC/2022/1*.

⁴⁶ In contrast, other virtual UN events held under similar circumstances, such as the regional consultations for the Stockholm +50 summit, were formally documented as a matter of course. Online: <www.stockholm50.global/processes/regional-multi-stakeholder-consultations> (accessed 14 September 2022).

⁴⁷ Fourteen are identified on the FCCC, 'What are governing, process management, subsidiary, constituted and concluded Bodies? 'Constituted Bodies' online: <<https://unfccc.int/process-and-meetings/bodies/the-big-picture/what-are-governing-process-management-subsidiary-constituted-and-concluded-bodies>> (accessed 22 March 2022).

⁴⁸ FCCC, 'Bodies: Subsidiary Body for Implementation' online: <<https://unfccc.int/process/bodies/subsidiary-bodies/sbi>> (accessed 22 March 2022).

⁴⁹ Fiona Harvey, 'Cop26 preparations to intensify after compromise on virtual talks' *The Guardian* (16 April 2021).

⁵⁰ It is worth noting that women's representation on the UNFCCC state delegations also leaves much to be desired See GCR 2021 (n 21) Tables 2–4.

⁵¹ FCCC/CP/2013/4 'Gender Composition'.

⁵² See Morrow (n 12).

⁵³ See GCR 2021 (n 21) and FCCC (n 33). Interestingly this identifies not fourteen but sixteen constituted bodies, the discrepancy appears to be accounted for by the division of the Compliance Committee into enforcement and facilitative branches and the addition of the Paris Agreement Implementation and Compliance Committee.

⁵⁴ *Ibid* Table 1.

of 50% or above; three, 40% or above; six, 30% or above; and four, 20% or under.⁵⁵ In terms of female constituted body leadership, this too on balance saw no significant progress from 2020.⁵⁶ While there are limits on what data of this nature reveal, it is clear that improving women's presence and leadership in the UNFCCC continues to show slow/low progress.⁵⁷

While the UNFCCC has now been consistently attempting to encourage its signatory states, who populate the regime's institutions, to improve their record on gender equality for almost a decade, it cannot compel them to act. That being the case, the regime's persuasion efforts have focused on using data to expose states' shortcomings in acting on their existing commitments to gender equality to underpin entreaties to improve (and perhaps in the hope of embarrassing them into action). In theory, this type of 'tote board' approach appears to be a sound proposition, and it has worked in other contexts.⁵⁸ In practice, where gender inequality is concerned, states seem to have a remarkable and enduring lack of shame about their failure to live up to their international law commitments. This may in part be because gender inequality is so pervasive⁵⁹ that states in general are neither willing nor able to point the finger at their peers for failure to address it.

Nevertheless, the UNFCCC perseveres in interrogating gender inequality in its institutions and processes and the 2021 Gender Composition Report saw a revealing innovation in the dominant quantitative approach to assessing gender issues in the constituted bodies of the UNFCCC: a speaking times case study.⁶⁰ While this does not enable analysis of the quality of participation, it does provide significant further insights into gender and participation in the meetings studied. Registration details required for the online events included the titles of participants which could be used as a proxy for gender in the analysis undertaken,⁶¹ though recording the gender of speakers and speaking time had to be undertaken manually.⁶² The project covered plenaries and meetings on technology and finance held during the May–June 2021 sessional period, disaggregated by gender (as per wider

⁵⁵ *Ibid* [11]–[12].

⁵⁶ *Ibid* [15].

⁵⁷ See Morrow (n 12).

⁵⁸ Richard Elliot Benedict, *Ozone Diplomacy: New Directions in Safeguarding the Planet* (Harvard University Press, 1998) used the comparison between indicating the visibility of states' progress towards meeting their international obligations with the use of a 'tote board', a sign or display recording changing numerical information on matters as diverse as fundraising or election results.

⁵⁹ See for example, Equal Measures 2030, *SDG Gender Index 2022* online: <www.equalmeasures2030.org/wp-content/uploads/2022/03/SDG-index_report_FINAL_EN.pdf> (accessed 24 March 2022); (hereafter 'SDG Gender Index') which points out that 'Not one of the 144 countries in the SDG Gender Index has achieved gender equality.' 13.

⁶⁰ See GCR 2021 (n 21) 10–12. The CoP subsequently requested that this type of automated recording be rolled out further FCCC (n 33) [7].

⁶¹ FCCC, *ibid* [31].

⁶² *Ibid* [32].

regime practice this was limited to the female/male binary).⁶³ Recording speaking time by gender is however a rather blunt measure of participation, as it is not just a question of who is speaking, or for how long, but rather what they are speaking about, and whether or not their views persuade other participants, and gain sufficient purchase to appear in meeting conclusions that indicate equality (or its absence). Nevertheless, what is recorded is revealing to a degree, as at least in general terms, more speaking time allows greater potential to influence the direction and content of discussions. The report revealed that, overall, while 51% of party delegations were men (reflecting the generally better gender balance is seen in the UNFCCC's intersessional events than at CoPs) they represented 60% per cent of the delegates who spoke and accounted for 63% of the speaking time in plenaries.⁶⁴ The report observed that chairs and co-facilitators '... accounted for 31–38 per cent of the speaking time in their respective meetings, highlighting the importance of this role in ensuring women's visibility.'⁶⁵ In purely quantitative terms that is true, but as people in these roles tend to be concerned with procedures and running the meeting, it is open to debate how influential their input is on substantive outcomes. The picture is even worse when people in these facilitative roles are removed from the picture, then: 'Males accounted for 60 per cent of the Party delegates, excluding Chairs, who spoke ... and accounted for 74 per cent of the total speaking time in plenaries.'⁶⁶ Even by its own limited lights, this speaks volumes on gender equality or rather the lack of it.

Gender and the UK CoP leadership team

There is perhaps a no more graphic illustration of the lack of traction in the UNFCCC's exhortations to signatory states to advance gender equality in their regime-facing activities than the UK government's announcement, a year in advance of the event, of an entirely male negotiating team for the CoP that it was to host. Having declaimed its aspiration to host the 'most inclusive CoP ever',⁶⁷ this was nothing short of staggering. It also flew in the face of the commitments to act on gender inequality that the UK government supported in the Paris Agreement and the GAP.⁶⁸ In terms of

⁶³ *Ibid* Annex III Table III.3. In addition to the matters discussed in this article, the age profile of participants was also analysed.

⁶⁴ *Ibid* [33].

⁶⁵ *Ibid* [34].

⁶⁶ *Ibid*.

⁶⁷ Alok Sharma, CoP President, quoted in Fiona Harvey, 'UK insists Cop26 must be held in person if possible' *The Guardian*, (14 May 2021). Inclusiveness ultimately proved problematic on multiple fronts, see, for example, Maria Reinstein, 'How "The Most Inclusive" COP Became "The Most Exclusive COP"' *Human Rights Pulse*, (16 November 2021) online: <www.humanrightspulse.com/mastercontentblog/how-the-most-inclusive-cop-became-the-most-exclusive-cop> (accessed 22 February 2022).

⁶⁸ FCCC, *Paris Agreement* (2015) online: <https://unfccc.int/sites/default/files/english_paris_agreement.pdf> (accessed 30 March 2022). See also, Pratha Garkoti, 'The CoP26 Paradox: Where are the

demonstrating commitment to the UNFCCC's values and commitments on gender, the UK demonstrated a significant failure of leadership that should have posed a threat to its credibility among its peers and the public at large. The messaging was even more dissonant in the face of civil society climate activism, which, in clear distinction from the global climate governance regime under the UNFCCC, generally (though not uniformly) sees women, particularly among the young, strongly represented in its rank and file membership⁶⁹ and leadership.⁷⁰

Civil society has a well-established track record of activism around gender in the global climate governance process.⁷¹ Prompted by the under-representation of women in the run-up to Co26, the SHE Changes Climate (SCC) group, set up in December 2020, provides an excellent example of gender based civil society climate activism. In its #5050Vision campaign SCC states its: 'global mission is to ensure all delegations, for all climate negotiations, have at least a 50% representation of diverse women at their top levels, now and in the future'.⁷² The SCC adopts a strategic approach to approach to its activities, campaigning on justice, and promoting an intersectional approach to gender, to which ends it rolled out a media savvy digital Toolkit,⁷³ a website, social media content, a podcast series, and a digital newsletter to disseminate its campaign.⁷⁴ SCC also attracted philanthropic funding and developed partnerships, actively promoting networking and cultivating male allyship. SCC came to play a particularly prominent role in exposing and critiquing the composition of the UK's CoP26 top level team. It began by publishing a closely argued, highly critical open letter to the UK government, pointing to the unsatisfactory state of affairs set against UNFCCC regime priorities, the practical necessity of women's inclusion for effective climate decision making, and the credibility of the UK's leadership.⁷⁵ The letter was ultimately signed by over 450

Women?' International Women's Initiative, *Global Policy Review* (16 November 2020) online: <www.theiwi.org/gpr-reports/the-cop26-paradox-where-are-the-women> (accessed 22 February 2022).

⁶⁹ Jean Léon Boucher, Garfield T Kwan, Gina R Ottoboni, and Mark S McCaffrey, 'From the suites to the streets: Examining the range of behaviors and attitudes of international climate activists,' *Energy Research & Social Science* (2021) 72 online: <<https://doi.org/10.1016/j.erss.2020.101866>>.

⁷⁰ See, for example, Arthur Wyns, '25 female climate leaders shaping 2019' *The Ecologist* (8 March 2019) online: <<https://theecologist.org/2019/mar/08/25-female-climate-leaders-shaping-2019>> (accessed 03 March 2022).

⁷¹ See Morrow (n 1).

⁷² She Changes Climate, 'CoP26 Digital Toolkit' (updated) (27 October 2021) online: <https://drive.google.com/file/d/1vJTBKN1iPuV33lu7vLS_vj3l23N8z5u/-view> (accessed 03 March 2022) (hereafter 'SCC Toolkit').

⁷³ *Ibid.*

⁷⁴ She Changes Climate, online: <www.shechangesclimate.org/>.

⁷⁵ She Changes Climate, 'Letter to UK COP26 Leadership team', (10 December 2020) online: <www.shechangesclimate.org/open-letter> (accessed 21 February 2022). No longer available on the She Changes Climate website.

leaders and opinion makers from diverse sectors.⁷⁶ It was also widely discussed in the media where it not only gained a degree of traction in mainstream print and digital forums, but also extended its reach into more diverse quarters, ranging from women's glossy magazines⁷⁷ to the business press,⁷⁸ and even business-based organisations, such as the Confederation of British Industry.⁷⁹ The attention garnered ultimately enabled SCC to achieve a degree of access to the UK's CoP team.⁸⁰ There was some change in the composition of the UK CoP team in the months leading up to the CoP, with 16 of the final cohort of 35 being female.⁸¹ On closer scrutiny, though, this success was more limited than the numbers suggest as, while more women were added to the core team, they were predominantly at the lower levels and in deputy/supporting/advisory roles, suggesting constraints on their access to the highest tier of decision making and thus their sphere of influence. This did not go unnoticed in press coverage, where it was noted that such a 'gendered division of labour' is, unfortunately, familiar in the climate governance regime.⁸² At the more senior levels, where a role in negotiations is more likely, men outnumbered women by a staggering 5:1.⁸³

SCC's work also gained considerable prominence at the CoP itself, not least through a Gender Day⁸⁴ event that it hosted, and in one of its founders being identified as one of the female climate leaders at the event.⁸⁵ Furthermore, the 'top table' saga in the run up to the CoP gender garnered sufficient attention to prompt the UK government to seek to underline its gender equality credentials, for example, when announcing two gender-based programmes and associated funding on Gender Day.⁸⁶

⁷⁶ *Ibid* Appendix.

⁷⁷ Emily Chan, 'Why We Desperately Need More Female Leaders Making The Decisions On Climate Change' *British Vogue* (10 November 2021) online: <www.vogue.co.uk/arts-and-lifestyle/article/female-leaders-climate-change> (accessed 21 February 2022); and Ally Head, 'As COP26 kicks off, we ask: where are all the women?' *Marie Claire* (01 November 2021) online: <www.marieclaire.co.uk/life/sustainability/gender-inequality-cop26-752451> (accessed 21 February 2022).

⁷⁸ Bonnie Chiu, 'COP26: Why Are Women Still Missing At The Top Climate Table?' *Forbes Women*, (30 October 2021) online: <www.forbes.com/sites/bonniechiu/2021/10/30/cop26-why-are-women-still-missing-at-the-top-climate-table/?sh=43a5d845519d> (accessed 21 February 2022).

⁷⁹ SCC Toolkit (n 72).

⁸⁰ *Ibid*.

⁸¹ UKCoP26, 'Our Team – UN Climate Change Conference (COP26) at the SEC – Glasgow 2021' online: <<https://ukcop26.org/uk-presidency/our-team/>> (hereafter 'UKCoP26 Our Team').

⁸² See Chiu (n 78), Fiona Harvey, 'Cop26: Women must be heard on climate, say rights groups' *The Guardian* (25 September 2021); Chan (n 77); and Head (n 77).

⁸³ UKCoP26 Our Team (n 81).

⁸⁴ Instituted in 2013 following the FCCC/CP/2012/8/Add.3. Decision 23/CP.18 on 'Promoting Gender Balance and Improving the Participation of Women in UNFCCC Negotiations and in the Representation of Parties in Bodies Established Pursuant to the Convention or the Kyoto Protocol'.

⁸⁵ Lindsey Jean Roetzel, 'Meet 11 women leaders at COP26' *One Earth* online: <www.oneearth.org/meet-11-women-leaders-at-cop26/%20> (accessed 03 March 2022).

⁸⁶ Foreign, commonwealth and Development Office, 'UK boost to advance gender equality in climate action' (09 November 2021) online: <www.gov.uk/government/news/uk-boost-to-advance-gender-equality-in-climate-action> (accessed 17 March 2022).

Gender at CoP 26

Interestingly, given the strong presence of gender issues in the run up to the CoP, at the event itself, at least as far as the official conference process outcomes are concerned, coverage was rather muted. The discussion here will centre on the CoP's headline outcome, Decision 1.CP/26: The Glasgow Climate Pact⁸⁷; Decision 18.CP/26: The Glasgow Work Programme on Action for Climate Empowerment; and Decision 20.CP/26: Gender and Climate Change.⁸⁸ That said, Gender has also featured in the broader CoP context in numerous side and fringe events and on the CoP's Gender Day, and illustrative aspects of this coverage will be discussed below.

Process outcomes

Decision 1.CP/26: The Glasgow Climate Pact

Gender first appears in Decision 1.CP/26, better known as the Glasgow Climate Pact, as part of the preambular recital on human rights.⁸⁹ That climate change has adverse impacts on human rights is now well established,⁹⁰ but the implications for both states and citizens make the intersection of these two already multifaceted cross-cutting areas particularly challenging. The complexity of the human rights-climate change nexus is exacerbated by the fragmentation and siloing that characterises affected activities and regimes at UN and state levels, and civil society engagement with them.⁹¹ The preambular provision in the Glasgow Climate Pact is a case in point. The text repeats that adopted in the Paris Agreement verbatim which was at the time, on its face, an encouraging new development,⁹² recognising human rights as an important cross-cutting dimension in the coverage of climate change. However, on closer examination, the nature of the engagement offered fails to stand scrutiny. The use of the phrase '... respect, promote and consider ...' in place of the established terminology, '...

⁸⁷ FCCC (n 5).

⁸⁸ FCCC/CP/2021/12/Add.2 *Report of the Conference of the Parties on its twenty-sixth session, held in Glasgow from 31 October to 13 November 2021, Addendum Part two: Action taken by the Conference of the Parties at its twenty-sixth session 8 March 2022*, 35–37.

⁸⁹ See Sébastien Duyck, Erika Lennon, Wolfgang Obergassel, and Annalisa Savaresi, 'Human Rights and the Paris Agreement's Implementation Guidelines: Opportunities to Develop a Rights-based Approach' (2018) 12(3) *Carbon and Climate Law Review* 191 online: <<https://doi.org/10.21552/cclr/2018/3/5>>.

⁹⁰ See, for example United Nations General Assembly A/74/161 *Report of the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment*, (15 July 2019).

⁹¹ Similar concerns apply with regard to other cross cutting issues such as the SDGs, see Karen Morrow 'Gender and the Sustainable Development Goals' in Duncan French and Louis J Kotzé (eds): *Sustainable Development Goals Law, Theory and Implementation*. (Edward Elgar Publishing, 2018) 149–72.

⁹² See the Paris Agreement (n 68) and Duyck et al (n 89).

respect, protect and fulfil,⁹³ significantly dilutes the normal expression of states' human rights obligations.⁹⁴ It is therefore unsurprising that the ostensible opportunities furnished by the preambular marriage between human rights and climate change have proved disappointing in practice.⁹⁵ In a context where the inclusion of every word is wrangled over, this very deliberate and now sustained choice should give pause for thought. The UNFCCC signatory states appear to be attempting to play this issue both ways: it is increasingly implausible to deny that climate change affects human rights.⁹⁶ At the same time, states appear to be deliberately using a very particular form of words to avoid the invocation of substantive human rights protection. In short, the preambular wording adopted effectively empties the acknowledgement of human rights in the context of climate change of meaningful content.

Thus, the Glasgow Climate Pact continues to function as a form of virtue signalling, rather than truly engaging with the real and growing human rights impacts of climate change. Furthermore, this evasion of human rights obligations has particular ramifications for gender equality,⁹⁷ which, on paper at least, is among those areas that enjoy a central position in the human rights canon, and which would stand to benefit were legal coverage of these areas truly cross-cutting and the established '... respect, protect and fulfil' formula applied.

Gender made only a single discrete appearance in the draft body text of the Glasgow Climate Pact, in paragraph 62 of the section on 'Collaboration' which, echoing the language of the preamble, stated that the CoP:

Urges Parties to swiftly begin implementing the Glasgow work programme on Action for Climate Empowerment, respecting, promoting and considering their respective obligations on human rights, as well as gender equality and empowerment of women. (emphasis added)

Otherwise women and gender were not mentioned specifically in the draft. In the adopted version matters improved somewhat, though it is remarkable that women continued to be absent from the paragraph 88 list of non-party stakeholders '... including civil society, indigenous peoples, local communities, youth, children, local and regional governments', being left to the catch-all category of 'other stakeholders' This type of listing used in such a context would normally explicitly reference women, and the approach

⁹³ Though this is open to criticism in its own right, see David Jason Karp 'What is the responsibility to respect human rights? Reconsidering the "respect, protect, and fulfill" framework.' (2020) 12 (1) *International Theory* 83.

⁹⁴ See Morrow (n 12).

⁹⁵ Duyck et al (n 89).

⁹⁶ See United Nations General Assembly A/74/161 (n 90).

⁹⁷ Discussed with regard to a comparable situation pertaining to the sustainable development goals in Morrow (n 91).

adopted is unusual at best in the context of post 2011 UNFCCC documents and concerning at worst. It is however offset to a degree, but not perhaps entirely, by the discrete mentioning of ‘gender equality and empowerment of women’ in the broader human rights context in paragraph 92 and the exhortation in paragraph 95:

‘... to increase the full, meaningful and equal participation of women in climate action and to ensure gender-responsive implementation and means of implementation, which are vital for raising ambition and achieving climate goals’.

Decision 18.CP/26: The Glasgow Work Programme on Action for Climate Empowerment⁹⁸

The Glasgow Work Programme on Action for Climate Empowerment (ACE) which is addressed to state and (to a lesser degree) non-state actors, centres on creating conditions that facilitate domestic capacity building and foster expertise on ACE.⁹⁹ Buried as it is within the conference outcomes, and little heralded at the CoP itself, the significance of the Glasgow Work Programme would perhaps escape many. However, the adoption of the work programme does demonstrate a degree of advancement in that it initiates a multi-pronged ten year programme to flag up and expand on long established ACE efforts under the UNFCCC. ACE is covered by Article 6 of the UNFCCC and Article 12 of the Paris Agreement and the area has been the subject of long term engagement within the climate governance regime, notably in the New Deli (2002)¹⁰⁰ and Doha (2012)¹⁰¹ work programmes. For present purposes, the expansive approach that it adopts, seeking to draw all elements of society into its specifically stakeholder oriented ambit, is particularly important. The focus on the adoption of specific targets and making provision to facilitate reporting, evaluation, and monitoring are also significant in promoting transparency in implementing the ACE work programme.¹⁰²

Given the long recognised and continuing need to build women’s capacity to participate effectively in global climate governance,¹⁰³ it is encouraging that the Glasgow Programme refers to ‘a gender and intergenerational approach’ as one of the nine considerations that will guide the approach it

⁹⁸ FCCC (n 44) Decision 20.CP/26 17–26.

⁹⁹ *Ibid*, Annex [1].

¹⁰⁰ FCCC, FCCC/CP/2002/7/Add.1 Decision 11/CP.8 New Delhi work programme on Article 6 of the Convention.

¹⁰¹ FCCC, FCCC/CP/2012/8/Add.2 Decision 15/CP.18 Doha work programme on Article 6 of the Convention.

¹⁰² FCCC, ‘COP26 Launched a Decade of Action for Climate Empowerment’ (16 December 2021) online: <<https://unfccc.int/news/cop26-launched-a-decade-of-action-for-climate-empowerment>> (accessed 25 March 2022).

¹⁰³ See, for example, Morrow (n 1) and Morrow (n 12).

adopts.¹⁰⁴ Furthermore, the work programme shows at least some recognition that capacity building activities need to consider women as a group, with particular reference being made to this in the context of implementing several aspects of its six elements. These comprise coverage on gender matters in education (aimed at both state parties and non-state parties);¹⁰⁵ public awareness;¹⁰⁶ public access to information;¹⁰⁷ and public participation¹⁰⁸ (all of which focus on state parties).

The Glasgow Work Programme as a whole is couched in the UNFCCC's usual necessarily hortatory language, 'encouraging' state and non-state actors to participate in its various activities as far as they are able. Furthermore, the coverage that it offers for women and gender is usually combined with that offered to other often neglected stakeholder groups, such as youth, and the elderly. The approach pursued suggests that there is some understanding that discrete groups face particular difficulties regarding ACE that need to be addressed, but the stance adopted is rather limited and, importantly, also side-steps intersectional issues, failing to grasp the salience of compound disadvantage. These factors are likely to impede progress towards the Glasgow Work Programme's ends on ACE.

Decision 20.CP/26: gender and climate change.¹⁰⁹

The specific CoP decision on gender and climate change, Decision 20.CP/26, while important in principle, provides little that is remarkable in its coverage. There was no change in the content of Decision 20.CP/26 as adopted from the draft version provided to the CoP by the SBI.¹¹⁰ In part, this is because the SBI's activities are strongly shaped by the messaging and mission outlined by the previous CoP, reflecting the ongoing and systemic nature¹¹¹ of the regime machinery's approach to gender which has solidified in the wake of the adoption of LWP and its now augmented GAP, referred to above.

However, there are some unusual features in play in this instance, most evident in the preambular statements adopted. Here, in addition to the usual content pointing to the regime context, there is a specific reference to the consequences of shifting pre-session activities online (discussed above), with an expansion of access being countered by technological barriers to such participation experienced by some, particularly those in

¹⁰⁴ FCCC (n 84) Annex [3(d)].

¹⁰⁵ *Ibid* [18].

¹⁰⁶ *Ibid* [27(g)].

¹⁰⁷ *Ibid* [28(f)].

¹⁰⁸ *Ibid* [29 (a) and (b)].

¹⁰⁹ FCCC (n 44) Decision 20.CP/26 35–37.

¹¹⁰ FCCC/SBI/2021/L.13 *Gender and climate change draft conclusions proposed by the Chair: Recommendation of the Subsidiary Body for Implementation*, (6 November 2021).

¹¹¹ See, for example, GCR 2021 (n 21).

developing countries.¹¹² The preamble also engages with the intersection between the Covid pandemic, climate change, and gender (discussed above), the exacerbation of pre-existing inequalities in consequence, and the importance of the LWP and the GAP in addressing this.¹¹³ The preamble also highlights a further damning example of limited regime progress on gender equality, noting that 94 countries (just under half of the 196 state parties to the UNFCCC¹¹⁴) have not as yet nominated a national climate change gender focal point for climate negotiations, implementation, and monitoring.¹¹⁵

The body of Decision 20.CP/26 points to work in progress, notably ongoing reviewing and reporting on the GAP¹¹⁶ (of which more below), future activities relating to gender monitoring,¹¹⁷ and significant development in forging greater external cooperation with the International Labour Organisation on matters of common interest.¹¹⁸ In a fragmented, highly siloed, international legal system, in which the treatment of cross-cutting issues and the interplay between areas of concern are often found wanting, the latter development is particularly welcome.¹¹⁹

On balance, Decision 20.CP/26, accurately represents the ongoing state of work in progress on gender under the regime, with the UNFCCC regime machinery, and the SBI in particular, doing consistent, worthy work in this area, but with its ambition stymied by limited interest in and engagement by state parties on gender inequality. This is, of course, an issue that extends far beyond climate change governance, though it is no more excusable here than in any other context.¹²⁰

Gender and the wider CoP context

While legal and academic communities tend to focus their attention on the high-level negotiations of the CoPs, there is of course a great deal more going on. CoP26 hosted several gender themed events,¹²¹ including a Gender Day, which in part draws focus to discussion of the GAP. However, it is

¹¹² FCCC (n 44) preamble [3].

¹¹³ *Ibid* [4].

¹¹⁴ United Nations Climate Change, *Status of Ratification of the Convention*, online: <<https://unfccc.int/process-and-meetings/the-convention/status-of-ratification/status-of-ratification-of-the-convention>> (accessed 28 March 20/22).

¹¹⁵ FCCC (n 20) [11].

¹¹⁶ FCCC (n 44) Decision 20.CP/26 [3] and [5].

¹¹⁷ *Ibid* referring to and building on the speaking times case study in GCR 2021 (n 21) at [6] and [7], respectively.

¹¹⁸ *Ibid* [4.6].

¹¹⁹ See, for example, Margaret A Young (ed) *Regime interaction in international law: facing fragmentation* (Cambridge University Press, 2012).

¹²⁰ See for example, SDG Gender Index 2022 (n 59).

¹²¹ FCCC, *Gender & Women at COP 26* online: <<https://unfccc.int/topics/gender/events-meetings/gender-day-other-events-at-cops/gender-women-at-cop-26>> (accessed 28 March 2022).

noteworthy that at CoP26 the ‘Gender Day’ was actually only half a day in duration¹²² and that with only six official gender events in the session, it did not compare favourably with previous summits.¹²³ Some have also commented on a dearth of reference to gender on the CoP website.¹²⁴ However, the presidency’s stated goal in the run-up to the CoP was to ensure that ‘... gender equality, diversity and inclusivity have been embedded ...’¹²⁵ into its presidency programme. Arguably, gender coverage at the CoP should therefore also be judged against the 10% of presidency side events in which it featured¹²⁶ (in comparison to less than 2% at CoP25¹²⁷). Where cross-cutting issues such as gender equality are concerned, there is always a trade-off between the advantages (in headline messaging terms at least) of discrete coverage and the danger that an ostensibly more ambitious integrated approach might lead to issues being lost in the mix. On a less equivocal note, CoP26 hosted an extensive virtual gender marketplace, offering topic-based coverage of gender relevant material and facilitating online access to a variety of resources (for the most part provided by civil society and international organisations), introducing networking opportunities, and publicising cultural events.¹²⁸

As is typical of CoP processes, a vast range of additional, more widely accessible, events are held around the main summit process. They generally launch publications and/or initiatives and provide an important forum for informal discussion, often on the same topics as formal negotiations. These additional events include a vast range of side events, which form part of the business of the CoP and are hosted by state parties or official observer groups, and a wide range of fringe events hosted by diverse stakeholders. Such events add a meaningful additional participatory dimension to proceedings. They significantly broaden the reach of the CoP and facilitate networking and engagement in varying degrees of formality between governments, international organisations, and civil society, around particular matters of concern. As far as gender events at the CoP were concerned, the UNFCCC recognised gender stakeholder group, the

¹²² The other half of the day was devoted to science and technology. UKCoP26 ‘Presidency Programme – UN Climate Change Conference (COP26) at the SEC Glasgow 2021’ online: <<https://ukcop26.org/the-conference/presidency-programme/>> (accessed 28/ March 2022).

¹²³ Avril Chanel, ‘COP26: A closer look at the progress made on gender’ *Institut du Genre en Géopolitique* (25 March 2022) online: <<https://igg-geo.org/?p=6994&lang=en>> (accessed 28 March 2022).

¹²⁴ *Ibid.*

¹²⁵ C3E International, ‘Gender Equality, Diversity and Inclusivity at COP26 in Glasgow’ (25 October 2021) online: <www.c3e-international.org/gender-equality-diversity-and-inclusivity-at-cop26-in-glasgow/> (accessed 28 March 2022).

¹²⁶ UKCoP26, ‘UK Presidency Pavilion at COP26 Event Programme’ online: <<https://ukcop26.org/wp-content/uploads/2021/11/UK-Presidency-Pavilion-at-COP26-Event-Programme-1104.pdf>> (accessed 28 March 2022)

¹²⁷ Chanel (n 123).

¹²⁸ FCCC, ‘Virtual Gender Market Place’ online: <https://unfccc.int/sites/default/files/resource/Gender%20Team_Virtual%20Market%20%281%29.pdf> (accessed 28 March 2022).

Women and Gender Constituency (WGC) played a key information brokering role, helping participants to navigate some sixty-nine gender and inter-sectional focused events ranging across the twelve days of proceedings.¹²⁹

Although beyond the central realm of this article, there was also a wealth of informal gender-related activity at and around the summit. This varied widely from the official CoP Fringe and its diverse talks, discussions, presentations, and performances¹³⁰ to eye-catching protest marches.¹³¹ However, while a wide range of voices was present at and around the CoP, the event also highlighted the immense inequalities that exist between stakeholder groups and the problems that ensue from an approach that is so focused on partnership that it can fail to engage with conflict of interest issues. This is most graphically illustrated by the NGO Global Witness' analysis of the CoP attendee list which revealed that 503 of the accredited participants at the event (attending within state delegations, representing trade associations etc) were linked to the powerful and well-resourced petrochemical sector.¹³² This was not just the largest number of participants for any interest group, it outnumbered the most substantial state delegation and also the combined delegations of the eight states most affected by climate change.¹³³ Some argue that industry participation benefits the development of international environmental law,¹³⁴ citing the case of CFCs. However, in that instance industry buy-in to international regulation was secured by the presence of a clear competitive advantage.¹³⁵ The case regarding climate change is very different; activists argue that it is instead analogous to the conflict of interest between big tobacco and the World Health Organisation regarding tobacco.¹³⁶ In that context, enhanced legal control was inimical to the interests of a powerful and well-financed industry that used all of the resources at its disposal to stymie progress for decades.¹³⁷ There is no possibility of accommodation between such opposed views. In global climate governance, the issue of transparency around participation remains unresolved,

¹²⁹ WGC, 'Women and Gender Constituency: CoP26 Events' online: <<https://womengenderclimate.org/wp-content/uploads/2021/10/WGC-Events-List-COP26.pdf>> (accessed 28 March 2022).

¹³⁰ Cop26 Fringe, online: <www.cop26fringe.com> (accessed 28 March 2022).

¹³¹ BBC Scotland, 'COP26: Thousands march for Glasgow's biggest protest' *BBC News* (06 November 2021) online: <www.bbc.co.uk/news/uk-scotland-59185007> (accessed 28 March 2022).

¹³² Matt McGrath, 'COP26: Fossil fuel industry has largest delegation at climate summit' *BBC News* (08 November 2021) online: <www.bbc.co.uk/news/science-environment-59199484?at_medium=RSS&at_campaign=KARANGA> (accessed 28 March 2022).

¹³³ *Ibid* namely, Brazil with a team of 479.

¹³⁴ Discussed in the 'In-session workshop on opportunities to further enhance the effective engagement of non-Party stakeholders with a view to strengthening the implementation of the provisions of decision 1/CP.21'; related report is FCCC, *Report by Secretariat, FCCC/SBI/2017/INF.7*, online: <<https://unfccc.int/sites/default/files/resource/docs/2017/sbi/eng/inf07.pdf>> [29].

¹³⁵ Benedick (n 58).

¹³⁶ FCCC (n 134) [25].

¹³⁷ See, for example, David Michaels, *The Triumph of Doubt: Dark Money and the Science of Deception* (Oxford University Press, 2020), in particular, Chapter 11: 'The Climate Denial Machine' 181–198.

though the issue is one that, like gender equality, would benefit from reporting, monitoring, and publicity.

Gender after CoP 26

As an initial observation, it is clear that gender inequality is already in the frame for CoP27 as, lest it be thought that an entirely male senior team piloting the process at CoP26 was exceptional, the initial leadership Team announced for CoP27 in Sharm El-Sheikh, Egypt also comprised only men.¹³⁸ Therefore, the SCC #5050Vision campaign, discussed above, looks set to be just as necessary going forward.

As is always the case, as soon as one CoP26 ends, the processes of review, follow-up, and preparation for the next one begin, and these activities take place alongside the ongoing work of other elements of the global climate governance regime. While much of this is routine, for example in the latest round of post-CoP Gender Calls on the Gender Action Plan,¹³⁹ other examples, such as developing Intergovernmental Panel on Climate Change (IPCC) work on gender equality, are less so. Both will be discussed as examples of how the global climate governance system is going to engage with gender in the short term.

The Post-CoP Gender calls

Decision 20.CP/26 on Gender and Climate Change sets in motion the next steps for the UNFCCC's engagement with gender issues. As a follow up to the CoP it initiated four online calls for submission that relate to the ongoing review and development of the LWP and the GAP.¹⁴⁰ The approach to feeding into the ongoing LWP/GAP process is, as might be expected given their pedigree, an incremental one. Short term activities identified around the GAP include, improving the evidence base for and understanding of gender differentiated impacts of climate change and the agency of, and opportunities for, women in this regard.¹⁴¹ Alongside this evidence base call sits an interrogation of the efficacy of the GAP, seeking to identify and remedy flaws and barriers to implementation, including those thrown up by the Covid pandemic.¹⁴² In a longer time horizon, extending to CoP 30 when the GAP next falls for a full review, is a request for information on gender engagement at all stages of domestic climate action, and policy,

¹³⁸ She Changes Climate, *Newsletter*, (2 March 2022) communication by subscriber email.

¹³⁹ FCCC, 'Call for submissions: #Act on the GAP' online: <<https://unfccc.int/topics/gender/the-big-picture/introduction-to-gender-and-climate-change/call-for-submissions>> (accessed 21 March 2022).

¹⁴⁰ FCCC (n 20).

¹⁴¹ FCCC (n 139) referring to Decision 3/CP.25 GAP Activity A.4 and Decision 20/CP.26 [9].

¹⁴² *Ibid*, referring to Decision 20/CP.26 [3].

planning, and strategy, processes.¹⁴³ There is perhaps the most opportunity for development under the fourth call, which seeks to share experience on gender budgeting including in national contexts.¹⁴⁴ This is, alongside reviewing the efficacy of domestic engagement with climate and gender issues, likely to prove both interesting and increasingly significant as the Nationally Determined Contributions (NDC) process instituted by the Paris Agreement ratchets up (discussed further below).

The areas for ongoing activity are, like the GAP itself, well thought out and hugely relevant to the gender challenges that global climate governance currently faces. However, as with all aspects of the global climate governance regime, populating responses remains entirely in the gift of the UNFCCC's signatory states and this is an area where a majority of states seem disinclined to fully engage. Until a mechanism is found to make a lack of engagement with gender (and other inequalities) as politically untenable as it is environmentally unsustainable, progress will always fall short of what it could and needs to be.

Climate science, the IPCC and gender

Beyond the CoP process, the global climate regime's ongoing orientation on gender is apparent in other guises. Significantly, there are now long overdue promising developments in this regard in the IPCC, which will prove important within broader climate governance. The IPCC is an independent body that reviews, assesses and reports on science, technology, and socioeconomic research on climate change to inform global climate governance.¹⁴⁵ It is to be hoped that its current shift on gender equality, by integrating gender into another important structural strand of global climate governance, will serve to reinforce developments in legal and political aspects of the UNFCCC considered above. While gender is not the only area in which the IPCC's membership is lacking in diversity;¹⁴⁶ it has long been an obvious issue, making it all the more remarkable that the Panel only acknowledged an urgent need to address this in regard to both its structures and outputs at its 47th meeting, in 2018. It did then act immediately to create a Task Group on Gender (TGG) to investigate and inform future action.¹⁴⁷ Coming so late to the table on gender equity raises particular concerns

¹⁴³ *Ibid*, referring to Decision 3/CP.25 GAP Activity D5.

¹⁴⁴ *Ibid*, referring to Decision 3/CP.25 GAP Activity D1.

¹⁴⁵ IPCC 'Intergovernmental Panel on Climate Change' online <<https://www.ipcc.ch>>; and FCCC, 'Background cooperation with the IPCC' online: <<https://unfccc.int/topics/science/workstreams/cooperation-with-the-ipcc/background-cooperation-with-the-ipcc>> (accessed 30 March 2022).

¹⁴⁶ Authors of colour are even more significantly underrepresented, see, for example, Ayesha Tandon, 'Analysis: The lack of diversity in climate-science research' *Carbon Brief* (06 November 2021) online: <www.carbonbrief.org/analysis-the-lack-of-diversity-in-climate-science-research> (accessed 07 February 2022).

¹⁴⁷ IPCC, Decision IPCC-XLVII-7 'Gender' (2018) online: <www.ipcc.ch/site/assets/uploads/2018/04/p47_decisions.pdf>.

around the positioning of an entity that is in so many ways at the cutting edge of its field,¹⁴⁸ and which is immensely influential, for good and ill, in shaping the direction of global climate governance.¹⁴⁹ Furthermore, the IPCC's inbuilt biases and closures have real world impacts on the coverage and quality of the scientific discourse, and its efficacy in the service of the globally dispersed and socially located processes of adaptation.¹⁵⁰ The IPCC's belated response to diversity and inclusion looks increasingly peculiar in several ways: first in societal terms, wherein it is at odds with the wide acknowledgement (including by the IPCC itself¹⁵¹) of climate change as profoundly gendered in its impacts. Furthermore, as alluded to above, grassroots climate activism strongly features women's participation¹⁵² and, increasingly, leadership,¹⁵³ both of which are now recognised as significantly contributing to attempts to address the impacts of climate change. Second, in scientific circles, male dominance of science has long been exposed and interrogated,¹⁵⁴ and climate science specific contexts inevitably raise similar concerns.¹⁵⁵ Furthermore, it is widely acknowledged that gender diverse science is better informed and in consequence more efficacious.¹⁵⁶ Third, in regime terms, the IPCC is sponsored by the United Nations Environment Programme (UNEP) and the World Meteorological Organisation (WMO), both bodies that have adopted UN gender equality priorities.¹⁵⁷ Furthermore, the UNFCCC, while relatively late to begin,¹⁵⁸ has for over a decade been engaged in multi stranded,¹⁵⁹ high profile, systemic attempts to better engage with gender across its remit.

¹⁴⁸ Monika Berg and Rolf Lidskog. 'Pathways to deliberative capacity: the role of the IPCC' (2018) 148 *Climatic Change* 11.

¹⁴⁹ *Ibid* 11–12.

¹⁵⁰ Maya Pasgaard, Bo Dalsgaard, Pietro K Maruyama, Brody Sandel, Niels Strange. 'Geographical imbalances and divides in the scientific production of climate change knowledge' (2015) 35 *Global Environmental Change* 279.

¹⁵¹ Notably in J B R Matthews (ed), 'Global Warming of 1.5°C. An IPCC Special Report' (2018) Annex I: Glossary 548; The entry on gender equity includes specific recognition of the gendered nature of climate change impacts: 'In the case of climate change gender equity recognizes that women are often more vulnerable to the impacts of climate change and may be disadvantaged in the process and outcomes of climate policy.'

¹⁵² See, for example, Felix Noth and Lena Tonzer, 'Understanding climate activism: Who participates in climate marches such as "Fridays for Future" and what can we learn from it?' (2022) *Energy Research & Social Science* 102360.

¹⁵³ Mary Robinson, *Climate Justice: A Man-made Problem with a Feminist Solution* (Bloomsbury, 2018).

¹⁵⁴ Evelyn Fox Keller, *Reflections on Gender and Science*. (Yale University Press, 1995).

¹⁵⁵ Tandon (n 146).

¹⁵⁶ Lesley G Campbell, Siya Mehtani, Mary E Dozier, and Janice Rinehart, 'Gender-Heterogeneous Working Groups Produce Higher Quality Science' (2013) 8(10) *PLoS ONE* online: <<https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0079147>>.

¹⁵⁷ See, UNEP Governing Council, 'Report of the Governing Council, 23rd session, 21–25 February 2005' A/60/25 2005 49–51 (GAOR, 60th sess, Suppl no 25) and WMO, 'WMO Prioritizes Gender Equality' (2015) Vol 64 (2) *World Meteorological Organization Bulletin: Responding to the Challenges of Climate Change* 47.

¹⁵⁸ See Morrow (n 1).

¹⁵⁹ See Morrow (n 12) 27–28.

In 2019 the TGG reported,¹⁶⁰ and a further iteration was instituted to develop a gender action and implementation plan (GAIP). Alongside the provision for a Gender Action Team (GAT), the GAIP was adopted at the IPCC's 52nd session in February 2020.¹⁶¹ These developments are significant in a number of ways. The GAIP commits the IPCC to an intersectional understanding of gender inequality, gender mainstreaming and gender balance.¹⁶² The GAIP also explicitly links its coverage of gender to that of other UN bodies, including the UNFCCC.¹⁶³ Both of these features are commendable as best practices.

The goals included in the GAIP cover the promotion, pursuit, and monitoring of gender equality of participation and leadership across the IPCC's practices and processes and encourage the same among state participants.¹⁶⁴ The GAT is in many ways akin to institutional developments such as Decision 23/18¹⁶⁵ in the UNFCCC, in that it provides a mechanism for leadership and ensures that gender is on the IPCC's recurring agenda, providing visibility, credibility, and durability in this regard.¹⁶⁶ While these are undoubtedly welcome developments, their full effects will take time to emerge and certainly had not had time to bed in by CoP26. Furthermore, even when the GAIP has had time to mature, it will of course not dismantle the pervasive societal underpinnings of gender inequality that are made manifest in and around the IPCC system,¹⁶⁷ but it will at least bring sustained attention and a higher profile to the issues. At the same time it is necessary to acknowledge that, as is the case with UNFCCC machinery, states ultimately exercise significant control over IPCC membership and activities, and experience suggests that this will in some cases curtail the effects of the Panel's aspirations to improve the gender (and other) diversity of its composition and work.

It remains the case that, this recent flurry of activity notwithstanding, the IPCC's position as a late adopter of gender equality is hugely important in its own right, in institutional terms,¹⁶⁸ not least in demonstrating the continued barriers to recognising the salience of gender to all aspects of climate change. The IPCC's recognition of and swift action on gender is however particularly timely as the importance of its work seems set to continue to grow, not least in light of the Panel's significant input into the stocktaking

¹⁶⁰ IPCC 49 Decision IPCC-XLIX-5.

¹⁶¹ IPCC 52 PCC-LII/Doc. 9, Rev.1 'Gender Action and Implementation Plan' (hereafter 'GIAP').

¹⁶² *Ibid* [1.3].

¹⁶³ *Ibid* [1.5].

¹⁶⁴ *Ibid* [2.1]–[2.3]; [3.2], [3.3] and [4].

¹⁶⁵ FCCC, FCCC/CP/2012/8/Add.3. *Decision 23/CP.18 Promoting gender balance and improving the participation of women in UNFCCC negotiations and in the representation of Parties in bodies established pursuant to the Convention or the Kyoto Protocol* 47–49.

¹⁶⁶ GIAP (n 161) [3.1].

¹⁶⁷ Not least in climate science and academia more generally, see Tandon (n 146).

¹⁶⁸ Diana Liverman et al, 'Survey of gender bias in the IPCC' (2022) 30 *Nature* 602.

process¹⁶⁹ for state's NDCs¹⁷⁰ to reduce emissions and adapt to climate change, under article 4.2 of the Paris Agreement.¹⁷¹ This development is a consequence of an already developing and necessarily expanding framing of climate science, as it grows from its strongly physical science dominated roots – centrally important in establishing the nature and extent of anthropogenic emissions and technological responses thereto – to better incorporate the social sciences, as the human/societal dimensions of adaptation must now, urgently, come to the fore.¹⁷² In some ways, this represents a good point of engagement for the IPCC's gender equality project. Climate impacts, vulnerability, and adaptation are areas of the IPCC's work where female scientists are better (if not well¹⁷³) represented than in others, so there is a base from which to learn, improve, and develop approaches that can be rolled out to the more challenging contexts of work on mitigation and the physical sciences. In the context of stocktaking, the developing role of the IPCC must see it presenting an integrated, inclusive, climate science, fusing the natural and social sciences more effectively, to shape the agenda of international policy debate, and ultimately law, in new and ever more direct ways. Developments in the IPCC in gender equality will therefore be important in shaping the future of the UNFCCC's engagement with the climate crisis.

Reflections and directions

Gender Climate Change and the broader UN system

UN system wide commitments on gender notwithstanding,¹⁷⁴ as outlined above, the UNFCCC as the main global forum for climate change governance, and the IPCC as the progenitor of global climate science, were slow to recognise that gender equality is central to understanding and addressing the issues involved within their remits. This tardiness has been significant in allowing the global climate governance system to perpetuate an initial

¹⁶⁹ FCCC, FCCC/PA/CMA/2018/3/Add.2, *Report of the Conference of the Parties serving as the meeting of the Parties to the Paris Agreement on the third part of its first session, held in Katowice from 2–15 December 2018 Addendum Part two: Action taken by the Conference of the Parties serving as the meeting of the Parties to the Paris Agreement 19 March 2019*, found at various places throughout the text.

¹⁷⁰ FCCC, FCCC/PA/CMA/2021/8/Rev.1, *Conference of the Parties serving as the meeting of the Parties to the Paris Agreement, Third session Glasgow, 31 October to 12 November 2021: Nationally determined contributions under the Paris Agreement: Revised synthesis report by the secretariat*, (25 October 2021).

¹⁷¹ Paris Agreement (n 62) See Mukul Sanwal, Can Wang, Bo Wang, and Yuan Yang, 'A New Role for IPCC: Balancing Science and Society' (2017) 8(4) *Global Policy* 569.

¹⁷² While economics is a notable exception in being well represented in the IPCC process, the need for broader representation of the social sciences has been apparent for some time, see for example, Esteve Corbera, Laura Calvet-Mir, Hannah Hughes and Matthew Paterson, 'Patterns of authorship in the IPCC Working Group III report,' (2016) 6 *Nature Climate Change* 94, 96–98.

¹⁷³ See Liverman et al, (n 168) 31.

¹⁷⁴ See Morrow (n 1).

framing that underplayed the human/social dimensions of climate change in favour of a technocratic and economics driven approach.¹⁷⁵ This orientation allows social issues, gender among them, to be presented as a species of optional add on to the established system. We now understand that nothing could be further from the truth: climate change is predominantly a human problem.

Other parts of the UN system were less slow to grasp the importance of gender to climate change concerns. Interestingly, this was the case even though climate issues formed only a relatively small or tangential part of their own much wider remit – though it could be argued that this meant that lower stakes were involved for them in this course than for the UNFCCC. For example, environment-focused bodies such as (UNEP)¹⁷⁶ and the International Union for the Conservation of Nature (IUCN)¹⁷⁷ and gender-focused entities, for example the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)¹⁷⁸ and the CSW¹⁷⁹ have been active in this area. All gave heed to the gender-climate change nexus before the UNFCCC. Their observations could have at least better informed the UNFCCC's activities, however, cross-fertilisation across UN bodies has always been a rather hit and miss affair. For many years only the more forward-looking gender equality attitudes and practices of the UNFCCC's sister regimes seemed to gain much traction with it.¹⁸⁰

Other parts of the UN continue to interrogate the gender-climate change nexus and it is to be hoped that lessons have been learned that would foster a better, more informed approach to climate change governance that draws on their activities. The CSW for example, has repeatedly returned to climate change over the years and made it a core element of its priority theme for CSW66: 'Achieving gender equality and the empowerment of all women and girls in the context of climate change, environmental and disaster risk

¹⁷⁵ See Morrow (n 12).

¹⁷⁶ Discussed in Njeri Wamukonya, and M M Skutsch, 'Is there a Gender Angle to the Climate Change Negotiations' (2002) 13(1) *Energy and Environment* 1.

¹⁷⁷ See Morrow (n 1) and Lorena Aguilar, Ariana Araujo and Andrea Quesada-Aguilar *Gender and Climate Change*, IUCN Factsheet, (2007); updated (2010) online: <www.iucn.org/content/climate-change-and-gender-factsheets> (accessed 30 arch 2022).

¹⁷⁸ CEDAW, 'Statement of the CEDAW Committee on Gender and Climate Change' (44th session, 2009) online: <www.ohchr.org/sites/default/files/Documents/HRBodies/CEDAW/Statements/StatementGenderClimateChange.pdf> (accessed 30 March 2022).

¹⁷⁹ CSW, 'Gender Perspectives on Climate Change' (52nd session of the Commission on the Status of Women, 2008), online: <www.un.org/womenwatch/daw/csw/csw52/issuespapers/Gender%20and%20climate%20change%20paper%20final.pdf> (accessed 10 March 2022). This engagement has been sustained, as evidenced most recently by the priority theme of at CSW 66, 'Achieving gender equality and the empowerment of all women and girls in the context of climate change, environmental and disaster risk reduction policies and programmes' online: <www.unwomen.org/en/csw/csw66-2022> (accessed 14 September 2022).

¹⁸⁰ *Convention on Biological Diversity, United Nations Convention to Combat Desertification and the United Nations Framework Convention on Climate Change, 'The Rio Conventions: Action on Gender'* online: <http://unfccc.int/resource/docs/publications/roi_20_gender_brochure.pdf (2012)> (accessed 31 March 2022).

reduction policies and programmes'. The potential contribution of reinforcing the messaging surrounding systemic gender inequality and climate change and the links between them is central to developing better international institutional responses. One of the most notable features of the CSW66 Agreed Conclusions is its dogged insistence on the established human rights credentials of gender equality in international law.¹⁸¹ The relevant law is already in place, and it has been for decades. The salience of gender to multiple dimensions of climate change, both in terms of its many impacts¹⁸² and women's agency in response¹⁸³ is also well established. The CSW66 Agreed Conclusions once again lay bare a context that makes the serial failure of the international community to live up to its commitments on gender equality generally, and in particular about climate change, even more frustrating.

That there is much to be learned from specific instances where UN bodies have engaged with the gender-climate change nexus, revealing the depth and breadth of gender inequality impacts where climate change is concerned, is clear. Likewise, as the UNFCCC regime has rapidly and as far as it is able, matured its approach to gender inequality issues, there is now a growing knowledge base that both helps to address the issues that arise and a growing appreciation of their complex systemic nature.

What is currently lacking is a clear, structured, systemic mechanism for cross regime data sharing and dialogue around best practices. The failure to adequately grasp the significance of the interlocking nature of gender and other inequalities and climate change will ultimately stymie progress in addressing them. There is therefore a deep-seated need to integrate a communicative approach to cross-cutting coverage of the gender-climate change nexus in a UN-wide context. Progress in this regard is hampered by the fragmented practices and structures of the UN and states, which are ill equipped to respond to both gender equality and climate change and the nexus between them. In the latter context, tackling the inevitable collision of complex, multi-faceted, systemic concerns requires bringing all available expertise and experience to the table. The necessary holistic approach must be pursued on a system-wide basis and not constrained by existing territorial demarcations between climate, gender, human rights, and other spheres.

The core problem is that the issues raised at the gender-equality climate change nexus are cross cutting, but the institutions that must address

¹⁸¹ CSW, 'Achieving gender equality and the empowerment of all women and girls in the context of climate change, environmental and disaster risk reduction policies and programmes CSW 66 Agreed conclusions' Advance Unedited Version, (25 March 2022), online: <www.unwomen.org/sites/default/files/2022-03/CSW66%20Agreed%20Conclusions_Advance%20unedited%20version_25%20March%202022.pdf> (accessed 30 March 2022) [2].

¹⁸² *Ibid* [5].

¹⁸³ *Ibid* on impacts: [18], [25], [26], [39], [43], [45], [52], [53], [62(e),(j),(k),(r) (ll) and (tt)] and on agency [30], [44], [62(aa),(cc)].

them are siloed. Gender inequality provides an important illustration of the consequences of this species of mismatch. While, as the UN itself has long recognised,¹⁸⁴ gender inequality is a systemic issue,¹⁸⁵ it seems to need to be ‘rediscovered’ in every new context that the international law seeks to tackle. The lengthy gestation of recognition of gender inequality and its implications for climate change under the UNFCCC and in the climate science of the IPCC are cases in point.

Almost three-quarters of a century after the adoption of the Universal Declaration of Human Rights, it is surely about time that treating gender inequality as anything other than a systemic problem became not just unacceptable, but unthinkable. However, if (feminised) arguments of principle and justice do not avail in making gender equality a priority,¹⁸⁶ then, at least the global climate governance regime is concerned, let us appeal to species-wide self-interest. As Patricia Espinosa, UN Climate Change Executive Secretary stated at the UN Global Peace and Prosperity Forum: ‘Half-measures will not help us deal with climate change, nor will only including half the global population.’¹⁸⁷

Gender inequality adds an additional (and, unlike many aspects of climate change itself, avoidable) problematic dimension to the already momentous challenges humanity faces as global heating takes hold. By fully addressing gender issues, we stand to gain a better understanding of climate change; by harnessing the agency of women, we draw all of humanity into our responses, improving the chances of arriving at a necessary, new, *modus vivendi* in our rapidly changing world.

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¹⁸⁴ Karen Morrow ‘Gender, International Law and the Emergence of Environmental Citizenship’ in S Buckingham-Hatfield et al (eds), *In the Hands of Women – Women, Human Rights and the Environment* (Manchester University Press, 2006) 33.

¹⁸⁵ UN Women EGM/ENV, ‘Achieving gender equality and the empowerment of all women and girls in the context of climate change, environmental and disaster risk reduction policies and programmes’ (November 2021) online: <www.unwomen.org/sites/default/files/2021-12/CSW66%20EGM%20report_final.pdf> (accessed 10 March 2022).

¹⁸⁶ Janet K Swim, Theresa K Vescio, Julia L Dahl, Stephanie J Zawadzki ‘Gendered discourse about climate change policies’ (2018) 48 *Global Environmental Change* 48 216.

¹⁸⁷ FCCC, FCCC UN Climate Speech, Patricia Espinosa, ‘Gender Balance and Climate Change Inextricably Linked’ (23 March 2022) online: <<https://unfccc.int/news/gender-balance-and-climate-change-inextricably-linked>> (accessed 24 March 2022).